

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

J.W., a minor, by and through Amanda  
Williams, Guardian and Next Friend,

*Plaintiff,*

Case No. 3:21-cv-00663-CWR-LGI  
*consolidated with*  
No. 3:21-CV-667-CWR-LGI  
No. 3:22-CV-171-CWR-LGI

v.

The City of Jackson, Mississippi; Chockwe  
A. Lumumba, Jr.; Tony Yarber; Kishia  
Powell; Robert Miller; Jerriot Smash; The  
Mississippi State Department of Health; Jim  
Craig; Trilogy Engineering Services, LLC;  
and John Does 1-40

*Defendants.*

Hon. Carlton W. Reeves  
Mag. LaKeysha Greer Isaac

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**NOTICE OF PROPOSED ORDER LIFTING STAY OF DISCOVERY  
PURSUANT TO LOCAL RULE 16(b)(3)(D)**

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Plaintiffs in the above captioned cases, by and through their undersigned counsel, hereby submit this notice pursuant to L. U. Civ. R. 16(b)(3)(D), informing the Honorable Magistrate Judge LaKeysha Greer Isaac of the Honorable District Court Judge Carlton W. Reeves' decision on various motions asserting qualified immunity and of Plaintiffs' intention to submit a proposed order lifting the stay of discovery.

1. On May 12, 2022, Defendants Tony Yarber, Kishia Powell, Mayor Chokwe A. Lumumba, Robert Miller, and Jerriot Smash filed motions to dismiss in Case No. 3:21-cv-00663-CWR-LGI, asserting the defense of qualified immunity. Case No. 21-cv-00663-CWR-LGI, **[ECF No. 82]**; **[ECF No. 84]**; **[ECF No. 86]**.

2. At the same time, Defendants filed identical motions to dismiss in two of the undersigned Plaintiffs' counsel's related cases — Case No. 3:21-CV-667-CWR-LGI and Case No. 3:22-CV-171-CWR-LGI.

3. On May 13, 2022, Magistrate Judge Greer Isaac entered an order in Case No. 3:21-cv-00663-CWR-LGI, staying proceedings and discovery pursuant to L. U. Civ. R. 16(b)(3)(B). In that order, the Magistrate Judge directed as follows: “Counsel for Plaintiffs shall promptly notify the Magistrate Judge of the entry of any order denying the Motions [82], [84], and [86] and shall submit a proposed order lifting the stay.” Case No. 21-cv-00663-CWR-LGI, **[ECF No. 88]**.

4. In the meantime, the City of Jackson and the State Defendants – the Mississippi State Department of Health and Jim Craig – also moved to dismiss Plaintiffs' claims in all three cases. Case No. 21-cv-00663-CWR-LGI, **[ECF Nos. 60, 80]**; Case No. 3:22-CV-171-CWR-LGI, **[ECF Nos. 42, 44]**.

5. On July 20, 2022, District Court Judge Reeves consolidated Case No. 21-cv-00663-CWR-LGI, with Case No. 3:21-CV-667-CWR-LGI, and Case No.

3:22-CV-171-CWR-LGI for motion practice and discovery purposes. Case No. 21-cv-00663-CWR-LGI, **[ECF No. 110]**.<sup>1</sup>

6. After briefing and oral argument, on March 23, 2023, the Honorable District Court Judge Reeves entered an order, granting in part and denying in part the motions listed above. Case No. 21-cv-00663-CWR-LGI, **[ECF No. 135]** (ORDER granting in part and denying in part 60 Motion to Dismiss; granting in part and denying in part 80 Motion for Judgment on the Pleadings; granting 82 Motion to Dismiss and for Qualified Immunity; granting 84 Motion to Dismiss and for Qualified Immunity; and granting 86 Motion for Judgment on the Pleadings and for Qualified Immunity).

7. Accordingly, pursuant to Magistrate Judge Greer Isaac's May 13, 2022 Order, Plaintiffs submit this notice, notifying the Magistrate Judge of the entry of Judge Reeves' March 23, 2023 Order as well as Plaintiffs' intention to submit a proposed order lifting the stay. Plaintiffs will submit the proposed order to the Court and counsel of record via email pursuant to the Court's Administrative Procedures for Electronic Case Filing Sec.5.B and L.U.Civ.R 7(b)(2)(F).

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<sup>1</sup> The Court directed that all further pleadings for all three cases should be filed on the docket in Case No. 21-cv-00663-CWR-LGI.

Dated: March 30, 203

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2022, the foregoing document was filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

/s/ Melanie Daly  
Melanie Daly